

(Updated 03/26/07)

**Frequently Asked Questions (FAQs)
Surplus State-Owned Property
at 90 N. Winchester Blvd.**

**Former site of the
Bay Area Research and Extension Center (BAREC)**

Why has so much time gone by between the release of the DEIR and the Final EIR?	The volume of comments received was extensive on both the Draft Environmental Impact Report (DEIR) and the subsequent Revised Draft EIR (RDEIR). New information was presented that required the EIR to be re-circulated, such as the announced Valley Fair expansion project, which also generated new public comments. Additional research regarding potential historic resources mentioned in some of the comment letters also required additional time for the consultants preparing the EIR, in order to thoroughly respond to the variety and complexity of commentary and questions raised in the letters submitted by the public.
Why is an environmental review required?	Environmental impact analysis was prepared pursuant to the California Environmental Quality Act (CEQA), a law of the State of California. The purpose of CEQA is to provide information on potential environmental impacts of projects. In this case, the City required the maximum level of environmental review, an Environmental Impact Report (EIR). According to CEQA Guidelines Section 15121, an EIR is an informational document that informs public agency decision makers and the public of the significant environmental effect of a project, identifies possible ways to minimize the significant effects, and describes reasonable alternatives to the project. The public agency considers the information in the EIR along with other information that may be presented to the agency.

<p>How will the public hearing process work?</p>	<p>The Planning Commission will review the development applications first. The Planning Commission will hear presentations by City staff and applicants, and public comment will be taken. The Planning Commission will then form recommendations for the City Council. Planning Commission recommendations on these development applications are advisory to the City Council. The City Council is responsible for certifying the adequacy of the CEQA documentation and also has final approval authority over the project. As an advisory body, the Commission must review and consider the environmental documentation in determining the nature of its recommendation to the City Council. Should the Commission have concerns with the adequacy of the CEQA documentation, it should forward its comments on that issue for the consideration of the City Council. The CEQA documentation for the project provides an exhaustive analysis of the potential environmental impacts of the proposed project. Staff believes that the CEQA documentation complies with the requirements of the California Environmental Quality Act, and recommends adoption of the resolution recommending that the Council certify its adequacy.</p> <p>The EIR was prepared by EDAW, under contract to the State Department of General Services, and includes the original Draft EIR, the Re-circulated EIR, and the Final EIR. The City set the scope and reviewed the content of the EIR.</p> <p>Important dates and Public Hearing Dates:</p> <ul style="list-style-type: none"> ❑ March 30, 2007 – Public Release of Final Environmental Impact Report (FEIR) for 10-day period as required under CEQA ❑ April 11, 2007 – Planning Commission Public Hearing (may be continued to second, additional date) ❑ May 8, 2007 – City Council Public Hearing ❑ May 15, 2007 – City Council 2nd reading of Development Agreement Ordinance
<p>What is on this property now?</p>	<p>This 17-acre parcel, owned by the State of California, was used by the University of California as an agricultural research station for several years. The property is located on Winchester Boulevard across from Westfield Shoppingtown Valley Fair. It is surrounded on the north, east and west sides by single family home neighborhoods that lie in either the City of Santa Clara or the City of San Jose.</p> <p>The University of California Bay Area Research and Extension Center (BAREC) facility on the property has been closed since 2003 and there has been no activity on the site since then. The property is fenced and there is no public access.</p>

Why is the State selling this property?	After the University of California closed the facility, the State of California determined that no other State agency presented a need for the land and so decided to sell the vacated, surplus property. It is valued at \$2 to \$4 million an acre and will generate much-needed revenues for the State budget. The University of California Agricultural and Natural Resources Division continues to operate nine Research and Extension Centers in rural areas of the state.
Who is buying this property?	The City of Santa Clara has entered into an agreement to purchase six of the acres at a below market price, using its Redevelopment Agency Affordable Housing Fund. The City is partnering with two non-profit organizations to construct up to 165 apartments for low- and very low-income seniors to be rented at lower than market rates. One acre of the property is proposed to be made into a public park. The remaining 10 acres are under agreement to be sold to Summerhill Homes, which proposes to build approximately 110 single-family homes ranging in size from 1,500 to 3,000 square feet.
What has been the review process for the EIR?	Upon release of the Draft EIR, there was a 45-day review period during which private citizens, other public entities (such as CalTrans and Santa Clara County), and other interested persons and groups could provide comment on the Draft Environmental Impact Report. That comment period began March 9, 2006 and concluded April 24, 2006. In addition, portions of the Draft EIR were taken to three City Commissions: the Parks & Recreation Commission; the City's Senior Advisory Commission; and the City's Historical & Landmarks Commission for review and comment on issues within their scope. New information came to light during the comment period, requiring new analysis; therefore a Revised Draft EIR (RDEIR) was prepared and re-circulated. The RDEIR was circulated July 21, 2006 with a 45-day comment period that closed on September 8, 2006. Consultants then prepared responses to all comments submitted, and prepared the Final EIR, which consists of the Draft EIR, comments received, the Revised Draft EIR, comments received, and responses to those comments. The Final EIR and staff recommendations will go to the City of Santa Clara Planning Commission on April 11, 2007 and then to the City Council on May 8, 2007.

<p>What is the process for approving the new uses for this property?</p>	<ol style="list-style-type: none"> 1. The Final Environmental Impact Report goes to the Planning Commission, along with staff reports and recommendations analyzing the proposed project. 2. The recommendations from the Planning Commission and Final Environmental Impact Report go to the City Council for these actions: <ul style="list-style-type: none"> • Certification and adoption of the FEIR • General Plan amendment to reduce the density currently allowed (from 25 units per acre to 16 – 18 units per acre) • Approval of a Tentative Parcel Map creating 3 parcels (for the park, senior housing, and market rate housing) • A subdivision map to divide the single family home parcel into individual home sites • Rezoning of the land from agriculture to planned development for the market rate, single-family home project • Rezoning of the six-acre affordable housing site to a multi-family residential zoning district for the affordable senior housing project • Rezoning for a 1 acre park site • A development agreement to be signed by Summerhill, the two non-profit organizations building the affordable senior housing project, the State and the City.
---	--

<p>What are the opportunities for public input about the future of this property?</p>	<p>The City welcomed comments on all phases of the environmental analysis, the DEIR, RDEIR, and welcomes new comments on the upcoming FEIR and development application. The public is also invited to attend the upcoming Planning Commission and City Council meetings. The Final EIR and staff recommendations will go to the City of Santa Clara Planning Commission on April 11, 2007 and then to the City Council on May 8, 2007. At least three days before the meetings, Commission and Council Agendas will posted at the City Clerk's Office, both City libraries, and found on the City's website at http://www.ci.santa-clara.ca.us/city_gov/city_gov_agendas.html. You may also call the City Clerk's Office at 615-2220 if you have questions.</p>
<p>Are there toxics on this site?</p>	<p>Studies show that the soil needs remediation work to remove residue of pesticides, herbicides and other toxic chemicals used at the site through the years. This would have to occur before construction could proceed on the site. City staff, the environmental consultant and Summerhill Homes have been working with the State Department of Toxic Substances Control (DTSC) on a site remediation plan.</p>
<p>What will the senior housing project be like?</p>	<p>The proposed affordable housing project for seniors will include up to 165 one-bedroom units ranging in size from 540 to 620 square feet. There will be a resident manager's unit in each of the 4-story buildings and approximately 153 parking spaces on the site. A landscaped garden area of about three acres will connect the buildings. The project will be built by Charities Housing and the Santa Clara Methodist Foundation.</p>
<p>What are the incomes of low and very low income seniors?</p>	<p>In Santa Clara County, single seniors who have an annual income not exceeding \$59,400/year, are classified as "low income," and those with less than \$37,150/year in annual income are considered to be "very low income," as ranked by HUD. The amounts are based on less than 80% and 50%, respectively, of the area median income levels. For those classified as "low income," the maximum current monthly "affordable housing cost" (rent and utility allowance) for a one-bedroom unit is \$1,260, and for "very low income" is \$1,055. (The maximum "affordable housing cost" for a one-bedroom apartment for a person of average income in Santa Clara County is \$2,321.)</p>

What will the family homes be like?	The single-family homes will be two, three or four bedroom homes, range in size from 1,500 to 3,000 square feet, and will be two or three stories in height. Each will have a two-car garage and a private backyard. Lot sizes will range from 2,000 to 5,000 square feet. The new homes closest to the existing neighborhood are proposed for two stories; homes in the middle of the site may be up to three stories.	
Will a street be built to serve the new homes and the senior facility?	Yes. A new road intersecting Winchester Boulevard at a signalized intersection will be built to serve the residents of this neighborhood. There will be no direct vehicle access to any other street from the site.	
Where will the new public park be located?	The one-acre park is proposed to be in the northwest corner of the property adjacent to the established single-family home neighborhood.	
What is the estimated timing of these projects, if approved?	Spring, 2007 September, 2007 Fall, 2007 Late 2007 2008 2008/2009	FEIR and City process complete Soil remediation work complete Grading and infrastructure improvements Construction begins Family homes available for purchase Low income seniors can move into new units
Why didn't the City buy all of the property?	The City was able to use its Redevelopment Agency Affordable Housing Fund to purchase the six acres at a below-market price for this valuable, centrally located acreage – but did not have enough money to purchase the entire property. The City of San Jose, which also borders the property, did not have funds available to purchase it. The State of California has a long-standing practice to sell surplus State-owned land to public agencies at a below-market rate for specified uses such as affordable housing. Otherwise, the State is obligated to sell its property at fair market value because to not do so would be considered a gift of public funds.	
Why can't the property stay as it is?	<p>Santa Clara Valley is no longer a center of agriculture and that was a major factor in the U.C.'s decision to close the facility. The University of California continues to operate nine Research and Extension Centers in areas close to farms, orchards and ranches. There is no public money available in State, County or City budgets to purchase this land for open space, and at the time the State offered it for sale, no nonprofit organization stepped forward with sufficient funds to buy it at fair market value.</p> <p>Since the late 1970s, the City's General Plan has designated this site for future residential development.</p>	

<p>Why is the City interested in more housing?</p>	<p>More housing is required in Santa Clara, including more affordable housing. The Association of Bay Area Governments (ABAG) has identifies all cities' "Regional Housing Determination," using a regional allocation formula which incorporates a share of the regional housing need of persons at all income levels. The regional need includes the existing and projected regional demand for housing, taking into account market demand, employment growth, and availability of suitable sites and public facilities. This regional need is broken down by city and by income levels. ABAG has projected the number of housing units needed to provide shelter for City of Santa Clara households, and for specific types of housing for different income levels.</p> <p>ABAG's Housing Needs Determination, December 2000, projects the number of housing units needed to provide shelter for Santa Clara households given the expected income distribution of the 2006 population. ABAG's 1999-2006 Regional Housing Needs Determination report for the San Francisco Bay Area http://www.abag.ca.gov/planning/housingneeds/99rhnd.html.</p>
<p>How much open space is there in the City of Santa Clara?</p>	<p>The City has municipal 32 parks that encompass 242 acres including the 40-acre Ulistac Natural Area that preserves and showcases what Santa Clara Valley was like before it grew into the technology center of the world. There are also 10 special park facilities covering an additional 41 acres. Other facilities include the 155-acre Santa Clara Golf & Tennis Club, and City cemeteries covering 26.5 acres, for a total of 464.5 acres of municipal open space. A Greenprint Map prepared by the City of Santa Clara in 2004 showed that there were a total of 85 open space sites in the City, both public and private. Although the central area of Santa Clara Valley is close to being fully developed, there are thousands of acres of undeveloped open space remaining in Santa Clara County, especially along the foothills and in the agricultural areas to the south.</p>
<p>Is the property designated a historical site?</p>	<p>Like most of the land in Santa Clara Valley, this property has had many uses in its history including being the site of a mental health institution, but it has not been designated a federal or a state historic site. The EIR evaluated the historic merits of the site.</p>

Could the State build something else on this property?	If it so desired, the State of California could build any type or size of state-run facility on this property without any approval by local government.
What happens if the City of Santa Clara refuses to rezone the property to anything other than “agriculture?”	If the City denied the project, the State could seek another private use proposal or could choose to use the site for State purposes without regard to City zoning. The State could also take legal action against continued City attempts to thwart development of the site.
What kind of work has been performed on or around the site?	Some on-site soils testing has occurred by the proposed developer. In addition, some excavation of roadways near the property has occurred under permits issued by the City of San Jose and the City of Santa Clara. The City expects that weed abatement will also be undertaken in accordance with State regulations governing property with soil contaminants. See prior question and answer re: toxics in the soil from prior agricultural use.